



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 967-00

29 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 21 May 1997 at age 24. While your record does not contain any disciplinary actions or the separation processing documents, it appears that the commanding officer recommended that you be separated with a general discharge by reason of misconduct due to commission of a serious offense and, after review by the discharge authority, the commanding officer's recommendation for separation was approved. The record clearly shows that you were discharged with a general discharge by reason of misconduct on 29 January 1999. At that time you were assigned a reenlistment code of RE-4.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as the contention that you had no misconduct and did nothing to warrant discharge. However, the Board concluded that these factors were not sufficient to warrant a change in the reason for discharge. While most of your record was not available for review and despite your contention that you did nothing to warrant discharge, the Board noted that at the time of separation, you signed your DD Form 214 and did

not indicate that it was erroneous in any way. Accordingly, the Board invoked the presumption of regularity and assumed that your discharge was proper.

Applicable regulations require the assignment of an RE-4 reenlistment code when an individual is discharged by reason of misconduct. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of your reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director